

way for Edwards' implausible November election win. His cash-starved campaign's upset signaled the end of the Democratic death-grip dominance over the state's 46 county courthouses.

Jim Edwards took the oath on a frigid January morning in 1975 and rocked the very political foundation of the Statehouse. Defying political pundits and power brokers, he became the first Republican chief executive since the Union troops fled Columbia, leaving then-Gov. Daniel Chamberlain holding his empty carpetbag.

Most current "life-long" Republican officeholders never met Jim, and those who did can hardly grasp the fact they owe their very opportunity to serve to his courage, character and dedication to public service. There were less than two dozen Republicans in the legislature in 1974, and Nikki Haley was only three years old the evening Jim gave his first state of the State address.

I was a brash and flippant political reporter when I accepted the role as his official spokesman, a hard choice for him since he really didn't know me well. But like so many decisions he made, Jim took his time, weighed all the facts, sought the advice of others and made the final decision on his own. We grew closer and soon our inner office humor abounded. I recall how I coined his nickname as "veto king" and he labeled me as "Dr. No" because of the effort I put into composing the veto messages he signed on numerous pieces of legislation. As a Republican it was his strongest weapon against a Democratic-dominated General Assembly when compromise became impossible.

In today's atmosphere of instant assessment, weblogs of every ilk, and babbling talking heads few if any will recall his countless accomplishments. Jim's strongest skill was his personal ability to sit down one on one and resolve issues, a talent so sadly missing today in Columbia and Washington. Jim was the leader in establishing the state's "rainy day" reserve fund to cover budget shortfalls and unforeseen emergencies; he championed the Education Finance Act to ensure equal funding options for all public schools; led the fight for the state's first tidelands protection laws; and pioneered the reform of the state's festeringly inefficient and ineffective cash-devouring welfare system.

He had no political hit list and he held no grudges. Jim was guided by the wisdom and character he learned from his school teacher parents; the patriotism he shared as a Merchant Marine and later Navy officer; the caring he learned as a surgeon; and his abiding faith and trust in God.

His first love was for his forever first lady, Ann, their precious daughter and son, Catherine and James Jr., and the beloved grandchildren. Yet there was always a special place in his heart for the people of South Carolina, including the Allendale dyed-in-the-wool Democrat farmer who Jim always trusted because he voted for the other guy!

As I recall Jim, this verse will always come to mind: Mark 1:11. We will miss you and your wonderful smile; you were an extraordinary governor, wonderful boss and a dear friend.

[From The Post and Courier]

FUNDAMENTAL GOODNESS WAS THE ESSENCE  
OF JIM EDWARDS  
(By Ron Brinson)

Jim Edwards has died, and there is a void in the heart and soul and political spirit of his beloved South Carolina.

This good man was an American patriot, a principled leader.

His gracious humility framed his soaring intellect.

His life was anchored by those simple old-fashioned American values of education and enterprise, of caring for your family and your neighbors and your country—and always translating that "care" with meaningful commitments and achievement.

He was my friend. He was everyone's friend.

History's bare facts will describe Dr. Edwards as one of those upstart Goldwater Republicans who back in the '60s forged a special brand of post-war American conservatism. He stood side by side with the likes of Ronald Reagan as the Grand Old Party of Abraham Lincoln was reborn, or in today's parlance, "rebooted."

But in the mid-'60s, Jim Edwards was a young oral surgeon, married to Ann Darlington, the love of his life, and they had a very young family. Personal and professional sacrifice defined his entry into what he once called "patriot politics." He was determined, he said, to square America's political compass with "the values and principles that make America America."

In 1974, he was a Charleston-area state senator encouraged to run in the Republican primary for governor—against William Westmoreland, the retired four-star commanding general of U.S. forces in Vietnam. At the time it seemed to many—and perhaps to Dr. Edwards himself—that he was merely the sacrificial political lamb for Gen. Westmoreland's homecoming reach for the governor's office.

Four decades later, we might reckon it was a package of mysterious and fortuitous political providence at work, confecting a dramatic turning point for South Carolina's politics and for Jim Edwards' leadership career. Dr. Edwards was a natural born campaigner, so genuine and sincere. Truth is, Gen. Westmoreland really never had much of a chance to win that primary.

But then Jim Edwards didn't have much chance, either, to prevail in his general election campaign against Democrat Charles "Pug" Ravenel, the Charleston-born Wall Street whiz-kid investment banker. Ah, but providence often is a persistent force in the chancy processes of politics. Mr. Ravenel ran afoul of a five-year residential requirement. He might still have had Lowcountry pluffmud in his toes, but the S.C. Supreme Court nullified his candidacy. Jim Edwards had performed well on the primary campaign trail, and some big-name folks with big bank accounts were lining up to respond to his call for a march back toward "conservatism."

U.S. Rep. William Jennings Bryan Dorn, D-Greenwood, with his late start and his party well off balance, had only a puncher's chance as Ravenel's replacement. On Nov. 5, 1974, James Burrows Edwards became the first Republican governor of South Carolina since Reconstruction. In his affable and witty manner, he declared, "A lot of Democrats will say I'm the first mistake South Carolina has made in a hundred years."

Dr. Edwards, in his inaugural speech, emphasized an often-neglected value of elected governance—results over partisanship. "I begin not with any partisan goals or debts to any special interests, but rather as the recipient of a public trust from 2.8 million great people; people who are hungry for leadership that is not concerned with politics, but dedicated to building responsive and effective government. Let us all reach across political barriers and work together to improve our state . . ."

The politics of election and then governance are different, and for Gov. Edwards, "non-partisanship" equaled political smartness. With only a handful of Republicans in the Legislature, he worked proactively to calibrate agendas with Speaker of the House

Sol Blatt, and Senate leaders Marion Gressette and Rembert Dennis.

"The agenda is important," he once told Sens. Gressette and Dennis. "But we have to work, too, on how best to work together."

A few years ago, he lamented with that warming smile, "Sometimes, it feels like the biggest problem with Republicans is that we've forgotten how to get along with each other."

Everyone, it seemed, got along with Jim Edwards. His gubernatorial record showed steady improvements fiscally and in public education, a nice package of organizational and management reforms and a new emphasis on marketing South Carolina for industrial and commercial growth. Against the very strong opposition of his Mount Pleasant neighbors, Gov. Edwards approved the S.C. State Ports Authority's Wando container terminal project.

And folks always appreciated Jim Edwards' "style" of friendship and loyalty.

As President Reagan's energy secretary, he fronted Reagan's agenda to terminate the Department of Energy. Editorialists were merciless. "It was a joyless ride of misinformed 'establishment' ridicule," Dr. Edwards once said, laughing. "But President Reagan felt very strongly about this and my job was to try to get it done."

The U.S. Department of Energy still stands, of course, but respect and admiration for Jim Edwards were ascending even as he left Washington in 1982 to assume the presidency of the Medical University of South Carolina. His tenure there was exceptional, especially in growing the school's foundation endowments, something very related to his standing in industry and politics.

Every elected leader should consider Jim Edwards' point about working first to get along with each other. Every American might consider the grid of patriotic and good governance principles that guided his personal, professional and political lives. But for those who knew this good man for a moment—or for 50 years—we will rejoice that we crossed paths with him.

A year ago, after Dr. Edwards had suffered a stroke, I asked him about his "legacy." He answered softly, "That can be so subjective; it's in the eyes of the beholder."

I told him I wanted an answer, that I might be writing commentary one day about his "legacy."

He paused for a moment and then added, "I hope someone will say I loved my family and my country, and that they noticed I always tried to do my best."

Let us not be confused by such natural humility; Jim Edwards truly was a great man.

## GUAM WORLD WAR II LOYALTY RECOGNITION ACT

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2015*

Ms. BORDALLO. Mr. Speaker, today I have introduced the Guam World War II Loyalty Recognition Act, a bill that would implement the findings of the Guam War Claims Review Commission. Since being elected to the House of Representatives ten years ago, I have introduced a version of this legislation in each Congress. Over the last several Congresses, H.R. 44 passed the House on five separate occasions.

This bill would implement the recommendations of the Guam War Claims Review Commission, which was appointed by Secretary of

the Interior Gale Norton and established by an Act of the 107th Congress (Public Law 107–333). The Review Commission, in a unanimous report to Congress in June 2004, found that there were significant disparities in the treatment of war claims for the people of Guam as compared with war claims for other Americans. The Review Commission also found that the occupation of Guam was especially brutal due to the unfailing loyalty of the people of Guam to the United States of America. The people of Guam were subjected to forced labor, forced marches, internment, beatings, rapes and executions, including public beatings. The Review Commission recommended that Congress remedy this injustice through the enactment of legislation to authorize payment of claims in amounts specified. Specifically, the bill would authorize discretionary spending to pay claims consistent with the recommendations of the commission.

It is important to note that the Review Commission found that the United States Government seized Japanese assets during the war and that the record shows that settlement of claims was meant to be paid from these forfeitures. Furthermore, the United States signed a Treaty of Peace with Japan on September 8, 1951, which precludes Americans from making claims against Japan for war reparations. The treaty closed any legal mechanism for seeking redress from the Government of Japan, and the United States Government has settled claims for U.S. citizens and other nationals through various claims programs authorized by Congress.

The text that I introduce in this Congress addresses concerns that have been raised about the legislation. First, the text reflects a compromise that was reached with the Senate when they considered the legislation as a provision of the National Defense Authorization Act for Fiscal Year 2011. That compromise removes payment of claims to heirs of survivors who suffered personal injury during the enemy occupation. The bill continues to provide payment of claims to survivors of the occupation as well as to heirs of citizens of Guam who died during the occupation. The compromise continues to uphold the intent of recognizing the people of Guam for their loyalty to the United States during World War II.

Further, the bill that I introduce today contains an offset for the estimated cost of the bill. I understood the concerns express by some of my colleagues in a July 14, 2011 hearing on this legislation. My colleagues expressed concern that there was no offset to pay for the cost of the bill. Guam war claims has a very simple offset that will pay for the cost of the legislation over time. The bill would be paid by section 30 funding remitted to Guam through the U.S. Department of Interior at any level above section 30 funds that were remitted to Guam in fiscal year 2012. With the impending relocation of Marines from Okinawa to Guam as well as additional Navy and Air Force personnel relocating to Guam it is expected that Guam will receive additional section 30 funds. Claims would then be paid out over time based off the additional amounts that were made available in any given year. Not only does this offset address payment of claims but it only impacts my jurisdiction and is a credible source of funding that will ensure that claims will be paid. Moreover, the Congressional Budget Office (CBO) indicates in Senate report 113–146 that accompanied S.

1237, the Omnibus Territories Act of 2012, that the offset ensures the bill would not cost the federal government additional funds. Specifically it states, “any such future payments due to Guam that exceed the amount paid in 2012 would instead be paid to a new U.S. Treasury fund that would be available to make compensation payments. CBO estimates that the collection and spending of those funds would have no significant net impact on direct spending over the 2015–2024 period.” Congressional passage of this bill has a direct impact on the future success of the military buildup. The need for Guam War Claims was brought about because of mishandling of war claims immediately following World War II by the Department of the Navy. The long-standing inequity with how Guam was treated for war reparations lingers today. If we do not bring this matter to a close I believe that support for the military build-up will erode and impact the readiness of our forces and the bilateral relationship with Japan.

Mr. Speaker, resolving this issue is a matter of justice. This carefully crafted compromise legislation addresses the concerns of the Senate and fiscal conservatives in the House of Representatives. This bill represents a unique opportunity to right a wrong because many of the survivors of the occupation are nearing the end of their lives. It is important that the Congress act on the recommendations of the Guam War Claims Review Commission to finally resolve this longstanding injustice for the people of Guam.

#### PROTECTING EMPLOYEES AND RETIREES IN MUNICIPAL BANKRUPTCIES ACT OF 2015

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2015

Mr. CONYERS. Mr. Speaker, I submit the following.

#### SUMMARY

When a municipality files for bankruptcy, its employees and retirees who have devoted their lives to public service—such as police officers, firefighters, sanitation workers and office personnel—risk having their hard-earned wages, pensions and health benefits cut or even eliminated.

This is why I am introducing the “Protecting Employees and Retirees in Municipal Bankruptcies Act of 2015.” This legislation strengthens protections for employees and retirees under chapter 9 municipality bankruptcy cases by: (1) clarifying the criteria that a municipality must meet before it can obtain chapter 9 bankruptcy relief; (2) ensuring that the interests of employees and retirees are represented in the chapter 9 case; and (3) imposing heightened standards that a municipality must meet before it may modify any collective bargaining agreement or retiree benefit.

While many municipalities often work to limit the impact of budget cuts on their employees and retirees, as demonstrated in the chapter 9 plan of adjustment approved by Detroit’s public employees and retirees, other municipalities could try to use current bankruptcy law to set aside collective bargaining agreements and retiree protections.

My legislation addresses this risk by requiring the municipality to engage in meaningful good faith negotiations with its em-

ployees and retirees before the municipality can apply for chapter 9 bankruptcy relief. This measure would also expedite the appellate review process of whether a municipality has complied with this and other requirements. And, the bill ensures employees and retirees have a say in any plan that would modify their benefits.

#### SECTION-BY-SECTION EXPLANATION

*Sec. 1. Short Title.* Section 1 of the bill sets forth the short title of the bill as the “Protecting Employees and Retirees in Municipal Bankruptcies Act of 2015.”

*Sec. 2. Determination of Municipality Eligibility To Be a Debtor Under Chapter 9 of Title 11 of the United States Code.* A municipality can petition to be a debtor under chapter 9, a specialized form of bankruptcy relief, only if a bankruptcy court finds by a preponderance of the evidence that the municipality satisfies certain criteria specified in Bankruptcy Code section 109. In the absence of obtaining the consent of a majority of its creditors, section 109 requires the municipality, in pertinent part, to have negotiated in good faith with its creditors or prove that it is unable to negotiate with its creditors because such negotiation is impracticable.

Section 2(a) of the bill amends Bankruptcy Code section 109 in three respects. First, it provides clear guidance to the bankruptcy court that the term “good faith” is intended to have the same meaning as it has under the National Labor Relations Act at least with respect to creditors who are employees or retirees of the debtor. Second, section 2(a) revises the standard for futility of negotiation from “impracticable” to “impossible.” This change ensures that before a municipality may avail itself of chapter 9 bankruptcy relief it must prove that there was no possible way it could have engaged in negotiation in lieu of seeking such relief. Third, the amendment clarifies that the standard of proof that the municipality must meet is “clear and convincing” rather than a preponderance of the evidence. These revisions to section 109 will provide greater guidance to the bankruptcy court in assessing whether a municipality has satisfied the Bankruptcy Code’s eligibility requirements for being granted relief under chapter 9.

Bankruptcy Code section 921(e), in relevant part, prohibits a bankruptcy court from ordering a stay of any proceeding arising in a chapter 9 case on account of an appeal from an order granting a municipality’s petition to be a debtor under chapter 9. Section 2(b) strikes this prohibition thereby allowing a court to issue a stay of any proceeding during the pendency of such an appeal. This ensures that the status quo can be maintained until there is a final appellate determination of whether a municipality is legally eligible to be a chapter 9 debtor.

Typically, an appeal of a bankruptcy court decision is heard by a district or bankruptcy appellate panel court. Under limited circumstances, however, a direct appeal from a bankruptcy court decision may be heard by a court of appeals. Until a final determination is made as to whether a municipality is eligible to be a debtor under chapter 9 of the Bankruptcy Code, the rights and responsibilities of numerous stakeholders are unclear. To expedite the appellate process and promote greater certainty to all stakeholders in the case, section 2(c) of the bill allows an appeal of a bankruptcy court order granting a municipality’s petition to be a chapter 9 debtor to be filed directly with the court of appeals. In addition, section 2(c) requires the court of appeals to hear such appeal *de novo* on the merits as well as to determine it on an expedited basis. Finally, section 2(c) specifies that the doctrine of equitable mootness does not apply to such an appeal.